



Image RCE/1600

PTO/SB/30 (09-03)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

|                        |               |
|------------------------|---------------|
| Application Number     | 09/858,279    |
| Filing Date            | May 15, 2001  |
| First Named Inventor   | Kirkland      |
| Art Unit               | 1645          |
| Examiner Name          | J. A. Hines   |
| Attorney Docket Number | TSRI 372.0 D2 |

### This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other \_\_\_\_\_

### 2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

### 3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 19-0962

i. ☒ RCE fee required under 37 CFR 1.17(e) 02/04/2004 BABRAHA1 00000098 09858279

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 770.00 OP

iii. ☐ Other \_\_\_\_\_

b. ☒ Check in the amount of \$ 880.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

|                   |                            |                                   |                  |
|-------------------|----------------------------|-----------------------------------|------------------|
| Name (Print/Type) | Michael J. McCarthy        | Registration No. (Attorney/Agent) | 46,910           |
| Signature         | <i>Michael J. McCarthy</i> | Date                              | January 27, 2004 |

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

|                   |                       |      |                  |
|-------------------|-----------------------|------|------------------|
| Name (Print/Type) | Ariel Fletcher        | Date | January 27, 2004 |
| Signature         | <i>Ariel Fletcher</i> |      |                  |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that this PRELIMINARY AMENDMENT and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date indicated below with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450.

Ariel Fletcher  
Ariel Fletcher

1/27/2004  
Date of Deposit

|                              |   |                        |
|------------------------------|---|------------------------|
| Applicant: Kirkland, et al.  | ) | Examiner: J. A. Hines  |
|                              | ) |                        |
| Serial No.: 09/858,279       | ) | Confirmation No.: 3986 |
|                              | ) |                        |
| Filed: May 15, 2001          | ) | Art Unit: 1645         |
|                              | ) |                        |
| Title: MONOCLONAL ANTIBODIES | ) | Our Ref. No.: 372.0 D2 |
| IMMUNOREACTIVE WITH          | ) |                        |
| LIPOPOLYSACCHARIDE BINDING   | ) |                        |
| PROTEIN (LBP) AND METHODS OF | ) |                        |
| THEIR USE                    | ) |                        |

PRELIMINARY AMENDMENT

**Mail Stop RCE**

Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

Dear Sir:

Applicant has filed a Request for Continued Examination (RCE) herewith under 37 CFR 1.114. Also enclosed is a Petition for a one month extension of time and a check in the amount of \$110.00 to cover the cost of that Petition. In connection with this RCE, Applicant requests that the following amendments be entered:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 4 of this paper.